

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

YOLANY PADILLA, IBIS GUZMAN, BLANCA
ORANTES, BALTAZAR VASQUEZ,
Plaintiffs-Petitioners,

v.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT
("ICE"); U.S. DEPARTMENT OF HOMELAND
SECURITY ("DHS"); U.S. CUSTOMS AND BORDER
PROTECTION ("CBP"); U.S. CITIZENSHIP AND
IMMIGRATION SERVICES ("USCIS"); EXECUTIVE
OFFICE FOR IMMIGRATION REVIEW ("EOIR");
MATTHEW ALBENCE, Acting Director of ICE; KEVIN
MCALEENAN, Acting Secretary of DHS; MARK
MORGAN, Acting Commissioner of CBP; KEN
CUCCINELLI, Acting Director of USCIS; MARC J.
MOORE, Seattle Field Office Director, ICE, WILLAIM
BARR, United States Attorney General; LOWELL CLARK,
warden of the Northwest Detention Center in Tacoma,
Washington; CHARLES INGRAM, warden of the Federal
Detention Center in SeaTac, Washington; DAVID SHINN,
warden of the Federal Correctional Institute in Victorville,
California; JAMES JANECKA, warden of the Adelanto
Detention Facility;

Defendants-Respondents.

No. 2:18-cv-928 MJP

**JOINT STATUS REPORT
AND STIPULATION AND
ORDER EXTENDING
DEADLINE TO
RESPOND TO COURT'S
7/29/22 ORDER**

NOTE ON MOTION
CALENDAR: AUGUST 19, 2022.

The parties hereby respond to this Court's order of July 29, 2022 (ECF no. 183), and advise the following.

On September 11, 2020, this Court stayed this case upon agreement of the parties, because the Government filed a petition for writ of certiorari in the United States Supreme Court. ECF no. 165. On January 11, 2021, the Supreme Court issued an order granting the Government's petition, vacating the decision of the Court of Appeals, and remanding to the Ninth Circuit "for further consideration in light of *Department of Homeland Security v. Thuraissigiam*, 591 U.S. ____

**JOINT STATUS REPORT
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DEADLINE TO RESPOND TO
COURT'S
7/29/22 ORDER** - 1

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Office of Immigration Litigation, District Court Section
PO Box 868, Ben Franklin Station
Washington, DC 20044
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(2020).” *U.S. Immigration and Customs Enforcement v. Padilla*, 141 S. Ct. 1041 (Mem) (2021).
 On February 12, 2021, the Supreme Court issued its judgment remanding the case to the Ninth Circuit. *See* Ninth Circuit Docket no. 79.

On remand, the parties agreed to several periods of abeyance before the Ninth Circuit, to allow incoming Department of Justice and Department of Homeland Security officials to become familiar with this case. On July 7, 2021, the Ninth Circuit referred the case to the Circuit Mediator to explore the potential for settlement. *See* Ninth Circuit Docket no. 86.

After settlement talks concluded, the Ninth Circuit received briefing from the parties on the impact of the Supreme Court’s decisions in *Biden v. Texas*, 142 S. Ct. 2528 (2022), *Garland v. Aleman Gonzalez*, 142 S. Ct. 2057 (2022). On June 30, 2022, the Ninth Circuit entered an order remanding this case to this court with instructions to vacate the preliminary injunction and for further consideration in light of the Supreme Court’s decisions in *Biden v. Texas*, *Garland v. Aleman Gonzalez*, and *Department of Homeland Security v. Thuraissigiam*, 140 S. Ct. 1959 (2020). The mandate issued on July 29, 2022, and on the same date, this court entered an order vacating the preliminary injunction and ordering the parties to meet and confer and file a Joint Status Report setting forth the Parties’ respective positions as to what briefing they would like to file to address the authority cited by the Ninth Circuit’s Order and the Parties’ proposed trial date and case deadlines that the Court should set. ECF no(s). 182-83.

The parties have discussed the next steps in this litigation over email and over the phone, and those discussion continue. The parties are hopeful that they will reach agreement on the next steps in this litigation, but need more time to complete those discussions. The parties request that this Court extend the deadline to respond to the Court’s July 29, 2022 order (ECF no. 183) for an

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1 additional two weeks (to and including Friday, September 2, 2022) so they can continue their
2 discussions regarding the next steps in this case, a proposed trial date, and case deadlines. The
3 parties suggest that this request satisfies the good cause requirement in Fed. R. Civ. Pro. 6(b), and
4 represent that this request is not for the purpose of undue delay. Accordingly, the parties have
5 attached a proposed order to that effect.
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1 RESPECTFULLY SUBMITTED this 19th day of August, 2022.

2 s/ Matt Adams

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ORDER

Based on the foregoing stipulation of the parties, IT IS SO ORDERED. The deadline to file the Joint Status Report setting forth the Parties' respective positions as to what briefing they would like to file to address the authority cited by the Ninth Circuit's June 30, 2022 Order and the Parties' proposed trial date and case deadlines that the Court should set is extended to September 2, 2022.

DATED this 19th day of August, 2022.



THE HONORABLE MARSHA J. PECHMAN
UNITED STATES DISTRICT JUDGE